



Kevin S. Asfour

Partner

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OVERVIEW

Kevin Asfour is a commercial litigator in the firm's Los Angeles office, concentrating his practice on complex business disputes, consumer class action defense, insurance coverage and indemnity matters. He represents clients primarily in the retail, manufacturing, financial services, technology, transportation and medical sectors. He has defended numerous consumer class actions against national retail chains, financial institutions, and other large companies alleging claims of unfair business practices, false advertising, consumer fraud, privacy violations, and account-servicing violations. Kevin has also defended shareholder class actions alleging securities law violations and derivative suits against a variety of publicly traded companies. In the realm of insurance coverage, Kevin has wide-ranging experience advising policyholders and prosecuting contractual and bad faith claims against insurers. He is also a skilled appellate practitioner, with extensive experience briefing and arguing appeals in state and federal court.

ACHIEVEMENTS

- Recognized as a Super Lawyers Southern California Rising Star

PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association
- Association of Business Trial Lawyers

SPEAKING ENGAGEMENTS

- "Interplay Between Indemnity, Limitation of Liability and Insurance Coverage," Association of Corporate Counsel, Southern California chapter, 2019
- "Contractual Indemnification -- Tips and Tactics," Association of Corporate Counsel, Southern California chapter, 2017

- "Can You Keep a Secret? What Happens When You Don't? Privacy Violations in California," Association of Corporate Counsel, Southern California chapter, 2015
- "Effective Use of Social Media in Litigation: Tools, Traps, and Tips," Association of Corporate Counsel, Southern California chapter, 2014

EDUCATION

- J.D., Harvard Law School, 2003 (*Harvard Environmental Law Review*)
- B.A., University of California, Berkeley, 2000 (*With High Distinction*)

ADMISSIONS

- Bar of California
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Central District of California
- United States District Court for the District of Colorado
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

AREAS OF FOCUS

- Commercial Disputes
- Appellate Litigation
- Financial Institutions and Services Litigation
- Insurance Recovery and Counseling
- International Arbitration
- Securities and Transactional Litigation

INDUSTRIES

- Consumer Products
- Food and Beverage

REPRESENTATIVE EXPERIENCE

- Favorably settled consumer class action against large retailer alleging false advertising and deceptive pricing practices.
- Obtained dismissal of trade secret action against global food and beverage chain for lack of personal jurisdiction in California.
- Obtained settlement of consumer privacy class action for 0.5% of the mandatory statutory damages, shortly before class certification hearing, by mounting and leveraging robust opposition to plaintiffs' class certification motion.
- Won motion to dismiss nationwide class claims in false advertising suit alleging deceptive food labeling practices, prompting voluntary dismissal of remaining claims and favorable settlement.
- Achieved complete defense victory in trade secret action against electronics manufacturer, obtaining summary adjudication of majority of plaintiff's claims and a defense judgment following trial on remaining claims.
- Won motion to dismiss punitive damages claims in business tort action brought by snack supplier against food and beverage chain, and thereafter obtained favorable settlement of remaining claims.
- Obtained favorable settlement in arbitration of international distributor's unfair competition claims against manufacturing partner.
- Persuaded plaintiff's counsel to dismiss consumer protection class action against major publisher, without the need for motion practice, in exchange for de minimus refund of plaintiff's purchase price.
- Obtained complete defense victory in post-merger arbitration, defending large international healthcare company against shareholder claims.
- As appellate counsel, obtained favorable published appellate decision on question of first impression regarding statute of limitations on professional licensing claim.
- Successfully prosecuted complex insurance-coverage litigation against more than a dozen insurer-defendants stemming from multi-forum, international IP dispute.
- As appellate counsel, obtained reversal of underlying judgment against institutional lender following bench trial, resulting in published appellate decision rejecting commercial guarantor's key defense as a matter of law.
- Won motions to dismiss in multiple class actions alleging deceptive practices and related statutory claims against institutional lenders and loan servicers regarding handling of mortgage loans; successfully litigated subsequent appeals.